

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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IN RE:

PROMESA

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Title III

as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al.*,

No. 17 BK 3283-LTS

Debtors.¹

(Jointly Administered)

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THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE COMMONWEALTH OF
PUERTO RICO,

Adv. Proc. No. 17-00257

as agent of
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

as representative of
THE COMMONWEALTH OF PUERTO RICO,
Plaintiff,

v.

BETTINA WHYTE

as agent of
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

as representative of
THE PUERTO RICO SALES TAX FINANCING
CORPORATION,

Defendant.

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¹ The Debtors in these Title III Cases, along with each Debtor's respective title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

**URGENT MOTION FOR
LEAVE TO FILE COMMONWEALTH
OF PUERTO RICO'S OMNIBUS REPLY TO OBJECTIONS
TO MOTION PURSUANT TO BANKRUPTCY RULE 9019 FOR ORDER
APPROVING SETTLEMENT BETWEEN COMMONWEALTH OF PUERTO RICO
AND PUERTO RICO SALES TAX FINANCING CORPORATION IN EXCESS PAGES**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent motion (the “Urgent Motion”), for leave to file the *Commonwealth of Puerto Rico’s Omnibus Reply to Objections to Motion Pursuant to Bankruptcy Rule 9019 for Order Approving Settlement Between Commonwealth of Puerto Rico and Puerto Rico Sales Tax Financing Corporation* (the “Omnibus Reply”) in excess of the page limit set forth in Paragraph I.E of the *Seventh Amended Notice, Case Management and Administrative Procedures* [Case No. 17-3283-LTS, ECF No. 4086-1] (the “Case Management Procedures”).

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA § 306(a).
2. Venue is proper pursuant to PROMESA § 307(a).

Relief Requested

3. Paragraph I.E. of the Case Management Procedures provides that “[u]nless prior permission has been granted . . . memoranda of law in support of Replies . . . are limited to fifteen

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

(15) pages” Case Management Procedures ¶ I.E.

4. On October 19, 2018, the Oversight Board filed the *Commonwealth of Puerto Rico’s Motion Pursuant to Bankruptcy Rule 9019 for Order Approving Settlement Between Commonwealth of Puerto Rico and Puerto Rico Sales Tax Financing Corporation* [Case No. 17-3283, ECF No. 4067] (the “Motion”).³ Four objections (the “Objections”) to the Motion were interposed. The Oversight Board’s reply to these Objections is due December 7, 2018 at 5:00 p.m. (AST). The Case Management Procedures limit the Oversight Board’s reply to 15 pages.

5. For completeness, efficiency, and ease of burden on the Court, the Omnibus Reply addresses all four Objections in a single omnibus reply. In order to appropriately and comprehensively respond to the arguments raised in all four Objections and also provide the Court with the necessary context surrounding the underlying dispute, the Oversight Board was unable to meet the 15 page limit set forth in the Case Management Procedures.

6. Accordingly, the Oversight Board respectfully requests leave to file the Omnibus Reply to the Objections with a page count not to exceed 20 pages, exclusive of the cover page, the table of contents, the table of authorities, the signature page, and exhibits.

7. The Oversight Board hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

8. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

[Remainder of page intentionally left blank]

³ All capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

WHEREFORE the Oversight Board respectfully requests the Court to enter the proposed order attached hereto as **Exhibit A**, granting the relief requested herein and all other relief to the Commonwealth as is just and proper.

Dated: December 7, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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Co-Attorneys for the Financial Oversight and Management Board as representative for the Commonwealth

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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IN RE:

PROMESA

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Title III

as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al.*,

No. 17 BK 3283-LTS

Debtors.⁴

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**ORDER ON URGENT MOTION FOR LEAVE TO FILE
COMMONWEALTH OF PUERTO RICO'S OMNIBUS REPLY TO
OBJECTIONS TO MOTION PURSUANT TO BANKRUPTCY RULE 9019
FOR ORDER APPROVING SETTLEMENT BETWEEN COMMONWEALTH OF
PUERTO RICO AND PUERTO RICO SALES TAX FINANCING CORPORATION**

Upon the *Urgent Motion for Leave to File Commonwealth of Puerto Rico's Omnibus Reply to Objections to Motion Pursuant to Bankruptcy Rule 9019 for Order Approving Settlement Between Commonwealth of Puerto Rico and Puerto Rico Sales Tax Financing Corporation in Excess Pages* (the "Urgent Motion");⁵ and the Court having found it has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA; and it appearing that venue in this district is proper pursuant to section 307(a) of PROMESA; and the Court having found that the Commonwealth provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED THAT:

1. The Urgent Motion is GRANTED as set forth herein.
2. The Oversight Board may file the Omnibus Reply, not to exceed 20 pages, exclusive of the cover page, the table of contents, the table of authorities, the signature page, and exhibits.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: December _____, 2018

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT COURT JUDGE

⁵ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.